

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHRISTIAN DIOR COUTURE SA,

Plaintiff,

-against-

XIAOLE LIN, TIMI GIFT SHOP, INC., SHUN
MIAO DING, GUO L. HUANG, XIAOWEI GAO,
XINGYUN HU, MING LI, XIUQIAN CHI, FEI Y.
LU, YONGCHAN ZHANG, YU HOU QU, CAI
QIN XIE, MEI LEE, and JOHN and JANE DOES
1-100,

Defendants.

Civil Case No. 22-cv-10716

~~PROPOSED~~ PRELIMINARY
INJUNCTION ORDER

WHEREAS, on December 21, 2022, Plaintiff Christian Dior Couture SA (“Christian Dior”) commenced this action under seal and sought the entry of (1) an *ex parte* temporary restraining order pursuant to 15 U.S.C. § 1116 and Fed. R. Civ. P. 65(b), (2) an order authorizing an *ex parte* seizure pursuant to 15 U.S.C. § 1116(d); (3) an order granting leave for Christian Dior to take expedited discovery pursuant to Fed. R. Civ. P. 26(d); and (4) an order to show cause why a preliminary injunction should not issue pursuant to 15 U.S.C. § 1116, 15 U.S.C. § 1125(c)(1), N.Y. Gen. Bus. Law § 360-l, and Fed. R. Civ. P. 65(a) (“Motion for Preliminary Injunction,” and, collectively, the “Application”);

WHEREAS, on January 4, 2023, the Court granted Christian Dior’s Application and entered an *Ex Parte* Temporary Restraining Order, Order Authorizing *Ex Parte* Seizure and Expedited Discovery, and Order to Show Cause for a Preliminary Injunction (the “TRO”);

WHEREAS, on January 6, 2023, Christian Dior posted a undertaking in the amount of \$50,000 with the Clerk of Court to provide security for the payment of such costs and damages as

may be incurred or suffered by any party as a result of a wrongful implementation of the TRO, or any part thereof;

WHEREAS, on January 12, 2023, Christian Dior, accompanied by its attorneys, investigators, and the New York City Police Department, executed the seizure authorized by the Court's January 4 Order;

WHEREAS, on January 17, 2023, after Christian Dior discovered the identities of additional John and Jane Doe Defendants during the seizure, Christian Dior filed a First Amended Complaint naming additional Defendants;

WHEREAS, on January 18, 2023, counsel for Christian Dior, Defendants Xiaole Lin, Guo L. Huang, Xiaowei Gao, Xingyun Hu, Ming Li, and Fei Y. Lu, and incorrectly named Defendant "Mei Lee," attended the Order to Show Cause hearing for Preliminary Injunction and Hon. Andrew L. Carter, Jr., the presiding Part I District Judge, ordered that (1) the TRO would be extended two weeks, (2) Defendants would respond to the TRO and raise any issues about the January 12 seizure by January 25, 2023, (3) the Order to Show Cause hearing would be continued to February 1, 2023 at 2:30pm before this Court, and (4) Christian Dior would return seized materials that are outside the scope of the TRO by February 2, 2023;

WHEREAS, on January 25, 2023, Christian Dior filed a Declaration and Affidavits of Service, attesting to prior service of the Summonses, Complaint, Application, and First Amended Complaint on Defendants Xiaole Lin, Timi Gift Shop, Inc., Shun Miao Ding, Guo L. Huang, Xiaowei Gao, Xingyun Hu, Ming Li, Fei Y. Lu, and Yongchan Zhang, Yu Hou Qu, and Cai Qin Xie;

WHEREAS, Defendants did not file any papers opposing the TRO or entry of a preliminary injunction;

WHEREAS, on January 31, 2023, Christian Dior sought leave to file a Second Amended Complaint to correct the name of Defendant “Mei Lee” and to add an additional plaintiff;



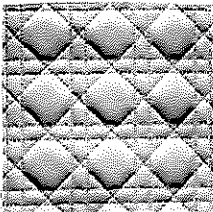
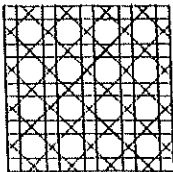
WHEREAS, the Court, having considered Christian Dior’s Motion for a Preliminary Injunction:

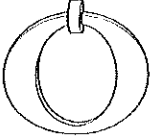
PRELIMINARY INJUNCTION ORDER

IT IS HEREBY ORDERED THAT, based upon the findings of fact and conclusions of law in Christian Dior’s Motion for a Preliminary Injunction, issuance of a Preliminary Injunction is warranted under 15 U.S.C. § 1116, 15 U.S.C. § 1125(c)(1), N.Y. Gen. Bus. Law § 360-l, and Fed. R. Civ. P. 65(a), and Defendants Xiaole Lin, Timi Gift Shop, Inc., Shun Miao Ding, Guo L. Huang, Xiaowei Gao, Xingyun Hu, Ming Li, Fei Y. Lu, Yongchan Zhang, Yu Hou Qu, Cai Qin Xie, Mei Lee, their agents, servants, employees, officers, and all other persons and entities in active concert or participation with them, including Xiuqian Chi and Xiaoliu Wang a/k/a Li Li Wang, pending the final hearing and determination of this action, are hereby immediately **PRELIMINARILY ENJOINED** from:

1. Using any of the following trademarks and/or any other marks comprised of or incorporating the following marks (collectively, the “Marks”) or any other Christian Dior trademarks, names, or designations in connection with the trafficking, manufacture, importation, exportation, advertising, marketing, promotion, distributing, offering for sale, and/or sales of any products:

<u>Reg. No.</u>	<u>Trademark</u>	<u>Goods/Services</u>
543994	CHRISTIAN DIOR	Class 18: handbags and pocketbooks; and belts made from leather for general use in connection with luggage
953916	CHRISTIAN DIOR	Class 18: wallets, pocket secretaries, billfolds and credit card cases

523754	CHRISTIAN DIOR	Classes 10, 25, 26: <i>inter alia</i> , coats, dresses, suits, jackets, vests, skirts, shawls and scarfs, pullovers and sweaters, jackets, capes, shoes, hats
1781434	CD	Class 18: <i>inter alia</i> , change purses; clutch bags; clutch purses; coin purses; handbags; pocketbooks; purses; shoulder bags; tote bags; wallets; straps for handbags Class 25: <i>inter alia</i> , clothing for use by men, women and children
1923564	Dior	Class 14: <i>inter alia</i> , jewelry Class 18: <i>inter alia</i> , carry-on bags; change purses; clutch bags; clutch purses; coin purses; drawstring pouches; handbags; key cases; overnight bags; purses; shoulder bags
2749176		Class 18: <i>inter alia</i> , change purses; clutch bags; handbags; luggage; overnight bags; pocketbooks; purses; satchels; school bags; shoulder bags; all-purpose sports bags; suitcases; toiletry cases sold empty; tote bags; travel bags; trunks for traveling
1848630	DIOR	Class 25: <i>inter alia</i> , clothing for use by men, women and children
4362717		Class 16: <i>inter alia</i> , printed matter
4389968		Class 18: <i>inter alia</i> , leatherware; handbags Class 25: <i>inter alia</i> , clothing
1776536		Class 18: <i>inter alia</i> , clutch bags; clutch purses; handbags; pocketbooks; purses; satchels; shoulder bags; tote bags; wallets Class 25: <i>inter alia</i> , clothing

2240163		Class 18: <i>inter alia</i> , satchels, clutch bags, purses, wallets
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2. Committing any acts calculated to cause the public to believe that any Christian Dior-branded products are sold under the control or supervision of Christian Dior, when they are not;

3. Selling, passing off, inducing, or enabling others to sell or pass off any products as Christian Dior products or as produced by or for Christian Dior, which are not genuine Christian Dior's goods, or are not sold under the control or supervision of Christian Dior;

4. Trafficking, manufacturing, importing, distributing, advertising, marketing, promoting, offering for sale, and/or selling counterfeit or infringing versions of Christian Dior-branded products ("Counterfeit Products"), or any labels, stickers, tags, signs, prints, wrappers, packaging, literature, and all other materials bearing the Marks or any other Christian Dior trademarks, and all plates, molds or other means for making the same, directly or indirectly;

5. Infringing any Marks or any other Christian Dior trademarks or trade name, or copying any product design, packaging, label, or other material utilized by Christian Dior, in connection with the distribution, offer for sale, and/or sale of any product or service without prior authorization from Christian Dior;

6. Using any counterfeit, copy, reproduction, or colorable imitation of any of the Marks or any other Christian Dior trademarks or trade name in connection with the promotion, advertising, or sale of any products;

7. Making or using in connection with the sale of any goods, a false description or representation including words or other symbols that falsely describe or represent, expressly or impliedly, such goods as Christian Dior goods and from offering such goods in commerce;

8. Diluting any of the Marks or any other Christian Dior trademarks;

9. Destroying and/or failing to preserve any Counterfeit Products or records related to the trafficking, manufacturing, importing, exporting, distributing, advertising, marketing, promoting, offering for sale, and/or sale of any products purporting to be Christian Dior products or other products using any of the Marks and/or any other Christian Dior trademarks;

10. Aiding or abetting any other person or entity engaging in or performing any of the acts referred to in paragraphs 1 through 9 above.

IT IS FURTHER ORDERED THAT, during the pendency of this Order, Christian Dior shall be authorized to inspect any products trafficked, manufactured, imported, exported, distributed, advertised, marketed, promoted, offered, or sold by Defendants that bear the Marks for the purpose of determining whether they are genuine or counterfeit or infringing, and thus to confirm whether Defendants are complying with this Order.

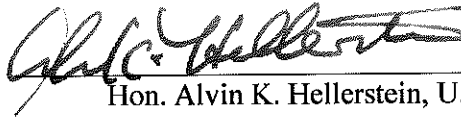
IT IS FURTHER ORDERED THAT, within thirty days after service of this Order on Defendants by Christian Dior, Defendants shall file with the Court and serve on counsel for Christian Dior a report in writing under oath setting forth in detail the manner and form in which the Defendant has complied with this Order.

IT IS FURTHER ORDERED THAT, upon written notice to the Court and Christian Dior's counsel, any Defendant or affected third party may, upon proper showing, appear and move for dissolution or modification of the provisions of this Order.

IT IS FURTHER ORDERED THAT, pending the final disposition of all claims in this action, Defendants shall preserve all documents, electronically-stored information, and/or tangible things that may be relevant to the subject matter of, or reasonably calculated to lead to the discovery of admissible evidence in, this action or any of the claims asserted herein, and maintain them in an accessible form and place.

SO ORDERED, this day of ^{Feb. 1} ~~January~~, 2023.

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Hon. Alvin K. Hellerstein, U.S.D.J.